THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 32555 of 1998

Date: 21.06.2007

Between:

The HMT Bearings Ltd., Contract &
Casual Labours Union, Hyderabad.

... Petitioner

AND

HMT Bearings Ltd., Moulali,
Hyderabad & another.

... Respondents

Counsel for the petitioner : Sri L. Prabhakar Reddy

Counsel for the respondents : None

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 32555 of 1998

ORDER:-

This writ petition is filed for a Mandamus to set aside the order dated 22.09.1998 passed by the authority under Section 15 of the Contract Labour Act and Commissioner of Labour in appeal No.1 of 1998 whereby the petitioner's application for impleading it as a party in the appeal was rejected.

In the affidavit filed in support of the writ petition, the petitioner pleaded that the members of the petitioner – Union are working under a contractor and they are employed by it in connection with the work relating to respondent No.1. It is the further case of the petitioner that on the representation made by the petitioner – Union on 19.08.1997, the licensing authority under the Contract Labour Act, 1970 initiated action and it ultimately led to cancellation of license of respondent No.1 on 12.05.1998 under an order passed by the said authority. When the 1st respondent filed an appeal before respondent No.2, the petitioner – Union filed an application for impleading it as a party respondent as its interests are vitally affected. The said application was dismissed by the order impugned in this writ petition.

Heard Sri L. Prabhakar Reddy, learned counsel for the

petitioner. None appeared for the respondents.

Learned counsel for the petitioner submitted that the ground on which the petitioner's application for its impleadment was rejected viz., that it was not impleaded before the primary authority is wholly unsustainable. Learned counsel submitted that it is not in dispute that at their instance the proceedings were initiated by the licensing authority for cancellation of the license granted in favour of respondent No.1.

I have perused the order of respondent No.2 and I am of the view that the reason given by the authority for rejecting the application of the petitioner for its impleadment is not sustainable. It is not in dispute that proceedings No.A/2034/97 dated 12.05.1998 of the licensing authority shows that on the petitioner's representation dated 19.08.1997, the action for cancellation of license was initiated. The order further shows that the petitioner had, in fact, filed an application for impleadment, but it is not clear from the said order whether that application was allowed or rejected. Assuming that the petitioner was not formally impleaded before the primary authority, it is an un-denial fact that not only the proceedings for cancellation of license were initiated at the instance of the petitioner – Union but also the petitioner's interests are vitally involved in the dispute. While the petitioner's non-impleadment would certainly cause prejudice to the interest of the members of the petitioner's – Union, by their impleadment, the interest of respondent No.1 or for that matter any one else's interest may not be prejudicially affected.

In view of these facts and circumstances of the case, the writ petition is allowed and the order of respondent No.2 is set aside. The application filed by the petitioner for impleading it as a party before respondent No.1 in the appeal filed before respondent No.2 is allowed. Respondent No.2 is directed to dispose of the appeal within a period of three months from the date of receipt of this order. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 21.06.2007
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